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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SHINGO FUKUI

Appeal 2009-008187¹
Application 10/767,780
Technology Center 2100

Before HOWARD B. BLANKENSHIP, JEAN R. HOMERE, and
ST. JOHN COURTENAY III, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION ON APPEAL²

¹ According to this record, U.S. application filed January 28, 2004, claiming priority benefit of a foreign application filed January 29, 2003.”

. The real party in interest is NEC Corp. (App. Br. 1.)

² The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

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I. STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) (2002) from the Examiner's final rejection of claims 1-37. (App. Br. 2.) We have jurisdiction under 35 U.S.C. § 6(b) (2008).

We affirm.

Appellant's Invention

Appellant invented a method and apparatus for managing an availability condition for each of a plurality of nodes sequentially arranged in a tree from a root node to a plurality of leaf nodes. The availability condition of a node can be changed at multiple nodes along a selected path of the tree from root to leaf. The number of times for changing the availability condition is limited to a maximum of one along the selected path. (Abstract, Spec. 24, ll. 6-14.)

Illustrative Claim

Independent claim 1 further illustrates the invention. It reads as follows:

1. An information sharing method for holding information owned by at least one unit user on a storage device in a tree structure provided for each unit user, said tree structure including a plurality of nodes sequentially arranged from a home root node to a plurality of leaf nodes, such that said information corresponds to each of said nodes to manage an availability condition of each of said nodes, said method comprising:

a first step in which a computer refers to the availability condition of each of said nodes on said storage device in response to an availability condition manipulation request for changing the availability condition of one of said nodes, to determine whether or not said availability condition manipulation request can be executed while satisfying a condition that while the availability condition can be changed at multiple nodes of the tree structure, the number of times of changes in the availability condition is limited to one at maximum along any of paths from said home root node to any one of the plurality of leaf nodes;

a second step in which said computer executes the availability condition manipulation request such that said condition is satisfied when the availability condition manipulation request is determined as executable in said first step, and provides a determination that the availability condition manipulation request is not executable when the availability condition manipulation request is determined as not executable in said first step; and

a third step in which said computer refers to said availability condition in response to a tree structure manipulation request for modifying said tree structure, and executes the tree structure manipulation request such that said condition continues to be satisfied.

Prior Art Relied Upon

The Examiner relies on the following prior art as evidence of unpatentability:

Fairweather US 2003/0187854 A1 Oct. 2, 2003

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Michael M. Swift, et al. (Swift), “*Improving the Granularity of Access Control for Windows 2000*”, Proceedings of the 6th ACM Symposium on Access Control Models and Technology (SACMAT 01) (Chantilly, Va., May), ACM, New York, (2001).

Rejections on Appeal

The Examiner rejects the claims on appeal as follows:

1. Claims 1-8, 18, 20-27, 35 and 37 stand rejected as being anticipated under 35 U.S.C. § 102(b) by Swift.
2. Claims 9-17 and 28-34 stand rejected as being unpatentable under 35 U.S.C. § 103(a) over the combination of Swift and Admitted Prior Art.
3. Claims 19 and 36 stand rejected as being unpatentable under 35 U.S.C. § 103(a) over the combination of Swift and Fairweather.

Appellant’s Contentions

Appellant mainly argues, *inter alia*, that Swift does not teach an availability condition of a node can be changed at multiple nodes of a tree structure, wherein the number of changes in the availability condition is limited to a maximum of one along any selected path from a root node to a leaf node, as recited in independent claim 1. (App Br. 6-7.) According to Appellant, Swift teaches changing the access control to each individual object numerous times and in one place along a path from a root node to a leaf node, whereas independent claim 1 requires changing the availability condition at multiple nodes and only once along a selected path. (*Id.* at 7-8.)

Examiner's Findings and Conclusions

The Examiner finds that Swift's disclosure of changing the access control of a node at a single point and propagating the change from a root to a leaf node along a selected path teaches the disputed limitations. (Ans. 17-19.)

II. ISSUE

Has Appellant shown that the Examiner erred in finding that Swift describes an availability condition of a node can be changed at multiple nodes of a tree structure, wherein the number of changes in the availability condition is limited to a maximum of one along any selected path from a root node to a leaf node, as recited in independent claim 1?

III. FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

Swift

1. Swift discloses a system for allowing administrators to set and change access control at a single point in an Active Directory, and to subsequently propagate the change to other nodes below the single point. If the change is made at the root of the tree, the system overwrites all changes in lower nodes of the tree. (P. 11, section 2.4, ll. 4-7; p. 17, ll. 15-21.)
2. Swift's disclosed system allows the administrators to evaluate a single access control list (ACL) at the single point in the directory to thereby reduce the number of entries that must be inspected, and to lower costs since

ACLs along the whole path need not be evaluated. (P. 16, ll. 42-44, p. 18, ll. 22-23.)

3. Swift discloses type-specific inheritance and static-specific inheritance for allowing administrators to propagate changes made at the single point in the directory to other objects placed below the single point in the hierarchy of objects. (P. 25, section 4.5, ll. 1-10.)

IV. ANALYSIS

We do not find error in the Examiner's rejection of independent claim 1, which requires, *inter alia*, an availability condition of a node can be changed at multiple nodes of a tree structure, wherein the number of changes in the availability condition is limited to a maximum of one along any selected path from a root node to a leaf node.

As set forth in the Findings of Facts section, Swift discloses allowing administrators to effectuate an access status change in a tree at a single point thereon to subsequently propagate the change to lower placed objects along the same hierarchical path to subsequently overwrite all changes in lower nodes. (FF. 1 and 3.) Swift further discloses evaluating a single ACL at the single point to reduce the extraneous costs and time associated with multiple evaluations. (FF. 2.) We find that by propagating to lower placed nodes a change made at a single point of the directory (e.g. the root node) to overwrite changes in the lower nodes, Swift discloses that the change can be made at multiple nodes along a hierarchy. In other words, by writing at the lower nodes the change entered at the root node, Swift discloses that the

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propagated access status change or availability condition is in effect changed at more than one node. Next, we find that upon propagating the change from root to leaf, all nodes within that path are updated only once since the propagation is done only one-way (root to leaf.) We are thus in agreement with the Examiner that Swift's disclosure describes the disputed limitations. It follows that Appellant has not shown error in the Examiner's finding that Swift anticipates independent claim 1.

Because Appellant argues the rejection of claims 1-37 as a single group, claims 2-37 fall with claim 1 in accordance with 37 C.F.R. § 41.37(c)(1)(vii).

V. SUMMARY

Appellant has not established that the Examiner erred in rejecting claims 1-37. We therefore affirm the Examiner's rejections as set forth above.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv) (2010).

AFFIRMED

Vsh

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